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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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TAYLOR HARPER,

Plaintiff,

v.

MICHAEL TVETER,

Defendant.

MEMORANDUM DECISION AND  
ORDER ON PARTIES' MOTIONS FOR  
JUDGMENT AS A MATTER OF LAW

Case No. 2:13-CV-889 TS

District Judge Ted Stewart

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This matter is before the Court on the parties' Motions for Judgment as a Matter of Law.

The parties made their Motions orally at the conclusion of trial on September 2, 2015.

Federal Rule of Civil Procedure 50(a) provides,

If a party has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue, the court may:

(A) resolve the issue against the party; and

(B) grant a motion for judgment as a matter of law against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue.

In reviewing a Rule 50 Motion, the Court should review all of the evidence in the record.<sup>1</sup> However, all reasonable inferences are drawn in favor of the nonmoving party and the Court does "not make credibility determinations or weigh the evidence."<sup>2</sup>

Judgment as a matter of law is appropriate "only if the evidence points but one way and is susceptible to no reasonable inferences which may support the opposing party's

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<sup>1</sup> *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150 (2000).

<sup>2</sup> *Id.*

position.”<sup>3</sup> A judgment as a matter of law is appropriate “[i]f there is no legally sufficient evidentiary basis . . . with respect to a claim or defense . . . under the controlling law.”<sup>4</sup>

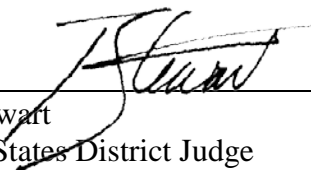
Having considered the evidence and arguments presented on both sides, the Court finds that neither party has shown their entitlement to judgment as a matter of law.

It is therefore

ORDERED that both parties’ Motions for Judgment as a Matter of Law are DENIED.

DATED this 2<sup>nd</sup> day of September, 2015.

BY THE COURT:

  
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Ted Stewart  
United States District Judge

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<sup>3</sup> *Finley v. United States*, 82 F.3d 966, 968 (10th Cir. 1996).

<sup>4</sup> *Baty v. Willamette Indus., Inc.*, 172 F.3d 1232, 1241 (10th Cir. 1999).